

REMARKS / ARGUMENTS

Claims 32-44 remain in this application. Claims 1-31 are canceled, without prejudice.

Amendments: Lack of New Matter

Applicant submits that the forgoing claim amendments do not introduce new matter into the present application.

In currently amended claim 32, the recitation that the matrix resin may be in slurry or wet cake form is found, for example, in the present specification on p. 7, line 6.

In currently amended claim 32 and in new claim 41, the recitation that the matrix resin may be in powder form is based on multiple disclosures in the present specification. For example, powdered resin is discussed on p. 10, line 20. Further, the PVC resins used in the Examples (Tables 10 and 11, p. 40) are powders.

The features recited in new claims 42-44 are the same as those recited in previously presented claims 38-40.

Allowability of claims 33 and 34

In the above-identified Office Action, the Examiner objected to claims 33 and 34 as dependent on a rejected base claim and stated that claims 33 and 34 would be allowable if re-written to include all the limitations of any intervening claims.

Currently amended claim 33 includes all the limitations of then-pending claim 32, so Applicants submit that claim 33 is now allowable. Currently amended claim 34 is now dependent on currently amended claim 33, so Applicants submit that currently amended claim 34 is now likewise allowable.

Response to rejection of claim 32 over GB '185

In the above-identified Office Action the Examiner rejected claims 32 and 35-39 under 35 USC §102(b) as being anticipated by GB 1,230,185 ("GB'185"). The Examiner stated, "The compositions are taught as prepared by blending the latex with the polyvinyl chloride."

GB'185 describes blending additive with PVC in two different ways. First, GB'185 teaches, "The blending can be accomplished, in general, with the materials in powder state" (col. 3, lines 15-16). Second, GB'185 teaches,

Alternatively, the latex obtained in this invention and the polyvinyl chloride can be blended, and the resulting blend is subjected to salting out or acid precipitation or is spray dried to produce a blended resin composition. (col. 3, lines 18-23)

The techniques of salting out, acid precipitation, and spray drying are all techniques that are performed on liquid systems; none of these techniques would be applicable to blends in which the PVC resin was in slurry, wet cake, or powder form. It is well known that techniques for making PVC often involve suspensions or emulsions of PVC in water. Clearly GB'185's second method refers to blending the latex form of the modifier with a suspension or emulsion of PVC and then isolating the solid polymers from the blend by salting out, acid precipitation, or spray drying.

The techniques of salting out, acid precipitation, and spray drying could not be applied to a matrix resin that is already in slurry or wet cake form. As noted in the present specification, "slurry" is defined as a term for the result of a coagulation process (p. 7, line 10); typical coagulation processes include, for example, salting out and acid precipitation. As also noted in the present specification (p. 7, line 10), "wet cake" is defined as a term for a partially dried form of polymer. Thus, matrix resin in the form of slurry or wet cake has already been coagulated or partially dried and could not be subjected to salting out, acid precipitation, or spray drying.

Even more clearly, matrix resin in the form of a powder could not be subjected to salting out, acid precipitation, or spray drying.

In sum, in GB'185's second way to make blends, additive in latex form is blended with matrix resin that is in a form capable of being coagulated or dried. Thus, GB'185's second way to make blends involves blending the modifier latex with the matrix resin before any coagulation or partial drying of the matrix resin has taken place.

Overall, then, GB'185 teaches two ways to make blends: one way in which both the modifier and the resin are powders, and a second way in which both the modifier and

the resin are in liquid form (i.e., latex, suspension, emulsion, or other liquid form, before coagulation or partial drying). GB'185 does not teach or suggest the unusual step of mixing an aqueous modifier with a matrix resin in the form of powder, slurry, or wet cake.

In contrast, currently amended claim 32 recites mixing an aqueous additive system with a matrix resin that is in the form of slurry, wet cake, or powder. Because GB'185 does not teach or suggest such a mixture, Applicants submit that claim 32 is novel over GB'185.

Response to rejection of claim 40 over GB '185 and Ludwig

In the above-identified Office Action the Examiner rejected claim 40 under 35 USC §103(a) as being obvious over GB'185 in view of US 5,780,549 ("Ludwig"). The Examiner stated that it would have been obvious to "incorporate common adjuvants as taught by the secondary reference into the composition of the primary reference."

As discussed herein above, Applicants submit that the additive-plus-resin compositions recited in currently amended claim 32 are not taught by the primary reference (i.e., GB'185). The teachings of Ludwig regarding additional adjuvants do not address the differences between the additive-plus-resin compositions of currently amended claim 32 and the additive-plus-resin compositions taught by GB'185. Therefore, Applicants submit that present claim 40 is not obvious over GB'185 in view of Ludwig.

Claims 35-39 and 41-44

Present claims 36-41 are dependent on currently amended claim 32. Applicant has argued herein above that currently amended claim 32 is novel over GB'185, and so Applicant further submits that present claims 36-41 are also novel over GB'185.

Present claims 35 and 42-44 are dependent on currently amended claim 33. Currently amended claim 33 is allowable, as noted herein above, so Applicant submits that dependent present claims 35 and 42-44 are also allowable.

Conclusion

In view of the foregoing amendments and arguments, Applicants respectfully request the Examiner to reexamine the claimed subject matter, to withdraw the rejections of the claimed subject matter and to allow claims 32-44 at this time. If, however, there remain any open issues which the Examiner believes can be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned agent.

No fees are believed to be due in connection with the submission of this amendment; however, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to Deposit Account No. 18-1850.

Respectfully Submitted,



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